

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

IN RE U.S. VISION DATA BREACH  
LITIGATION

Civ. Action No. 1:22-cv-06558  
(CPO/SAK)

**PLAINTIFFS' MOTION FOR FINAL  
APPROVAL OF CLASS ACTION SETTLEMENT**

Pursuant to Federal Rule of Civil Procedure 23(e)(2) (“Rule 23”), Plaintiffs Ian Torres, Bonita Odell, and Lacie Morgan, individually and on behalf of all others similarly situated, hereby move this Court for final approval of the class action Settlement<sup>1</sup> that this Court preliminarily approved on May 8, 2024 (ECF 74).

Plaintiffs respectfully request that the Court:

1. Grant final certification of the Settlement Class for settlement purposes pursuant to Rule 23(a) and (b)(3);
2. Finally appoint Plaintiffs Ian Torres, Bonita Odell, and Lacie Morgan as Class Representatives;
3. Finally appoint Jean S. Martin of Morgan & Morgan; Ben Barnow of Barnow and Associates, P.C.; and Terence R. Coates of Markovits Stock DeMarco, LLC as Class Counsel;
4. Approve the requested \$1,150,000 in attorneys’ fees, and \$13,819.38 in expenses to Settlement Class Counsel;

---

<sup>1</sup> Unless otherwise indicated, capitalized terms used in this Motion have the same meanings as in the Settlement Agreement.

5. Finally approve the requested Service Awards of \$3,500 (totaling \$10,500) to Plaintiffs Ian Torres, Bonita Odell, and Lacie Morgan;
6. Find that the Notice Plan met the requirements of Rule 23(c)(2)(B) and due process;
7. Find that the terms of the Settlement Agreement are fair, reasonable, and adequate and are approved, adopted, and incorporated by the Court;
8. Direct the Parties, their respective attorneys, and the Claims and Settlement Administrator to consummate the Settlement in accordance with the [Proposed] Final Approval Order and Judgment as to Claims Against Nationwide Optometry, P.C., Nationwide Vision Center, LLC, and SightCare, Inc. (“[Proposed] Final Order and Judgment”) and terms of the Settlement Agreement;
9. Resolve all claims as to all Parties and Class Members in this action and issue the [Proposed] Final Order and Judgment; and
10. Dismiss the lawsuit with prejudice and without costs, except as provided in the Settlement Agreement.

WHEREFORE, premises considered, Plaintiffs request that the Court grant this motion and grant Plaintiffs’ Motion for Attorneys’ Fees, Expenses, and Service Awards.

Dated: October 1, 2024

Respectfully submitted,

/s/Janine Pollack  
Janine Pollack  
**GEORGE FELDMAN MCDONALD, PLLC**  
745 Fifth Avenue, Suite 500  
New York, NY 10151  
jpollack@4-Justice.com  
Tel.: 917-983-2707

*Local Counsel*

Jean S. Martin\*

**MORGAN & MORGAN**  
201 N. Franklin Street, 7th Floor  
Tampa, Florida 33602  
Tel: 813-559-4908  
[jeanmartin@forthepeople.com](mailto:jeanmartin@forthepeople.com)

Ben Barnow\*  
**BARNOW AND ASSOCIATES, P.C.**  
205 West Randolph Street, Ste. 1630  
Chicago, IL 60606  
Tel: 312-621-2000  
[b.barnow@barnowlaw.com](mailto:b.barnow@barnowlaw.com)

Terence R. Coates\*  
**MARKOVITS, STOCK & DEMARCO, LLC**  
119 E. Court Street, Suite 530  
Cincinnati, OH 45202  
Tel: 513-651-3700  
[tcoates@msdlegal.com](mailto:tcoates@msdlegal.com)

*Interim Co-Lead Class Counsel*

\*Admitted *pro hac vice*

**CERTIFICATE OF SERVICE**

I hereby certify that on October 1, 2024, the foregoing document was filed through the Electronic Case Filing system of the United States District Court for the District of New Jersey and will be served electronically by the Court to the Registered Participants identified in the Notice of Electronic Filing (NEF).

/s/Janine Pollack

Janine Pollack  
**GEORGE FELDMAN MCDONALD, PLLC**  
745 Fifth Avenue, Suite 500  
New York, NY 10151  
jpollack@4-Justice.com  
Tel.: 561-232-6002